

Ryan Bonneau

SWIS# 667424

11540 NE Inverness DR.

FILED 09 MAR 18 10:47 AM DCP

Portland, OR 97220

3:18-cv-425-JO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RYAN BONNEAU,

No.

PLAINTIFF,

v.

COMPLAINT

MULTNOMAH COUNTY

UNDER 42 U.S.C. § 1983

SHERIFF'S OFFICE,

MULTNOMAH COUNTY

OREGON,

* JURY TRIAL

UNKNOWN MCSO

DEMAND *

EMPLOYEE WITH

DPSST # 37996,

* PROSPECTIVE RELIEF

COUNSELOR NORIT,

UNDER RULE 65

AND

DEMANDED *

1 TO 10 UNKNOWN

DEFENDANTS TO BE

DETERMINED THROUGH

DISCOVERY AND TRIAL,

DEFENDANTS.

/

I. JURISDICTION

1. The events giving rise to this complaint occurred in Portland, Multnomah County Oregon which is located within the physical boundaries of the Portland Division of the District of Oregon.
2. This court has subject matter jurisdiction under Federal Question jurisdiction.

II. PARTIES

3. Ryan Bonneau is the Plaintiff and he is currently being housed under the custody of the U.S. Marshal's Service at Multnomah County Jail in Portland, OR, which is operated by the lead Defendant MULTNOMAH COUNTY SHERIFF'S OFFICE ("MCSO").
4. MULTNOMAH COUNTY SHERIFF'S OFFICE ("MCSO") and MULTNOMAH COUNTY OREGON (a municipality) are sued in their official capacities and are properly named as prospective relief is requested and liability may be established against municipalities and their branches under Monell.

5. UNKNOWN EMPLOYEE (OF MCSO) WITH DPSST # 37996 works in the mailroom for Multnomah County Sheriff's Office Jails (MCSO Jails) and is sued in his/her individual capacity.
6. COUNSELOR NORA is the MCSO Jails mailroom supervisor and is sued in his/her individual capacity.
7. The Plaintiff estimates there are 1 to 10 Unknown Defendants who he plans on adding to the case via amended complaint at a later time.
8. All defendants acted under the color of law at all times mentioned herein.

III. FACTS

9. The Plaintiff has a close friend named Ruben Espinueta ("Mr. Espinueta") Mr. Espinueta
10. The Plaintiff and Mr. Espinueta are both incarcerated in different prisons/Correctional facilities at this time.

11. At the present time, the only way that the Plaintiff and Mr. Espinuela are able to stay in contact is through letter writing back and forth between each other. This correspondence is allowed by the facilities which they are respectively confined in.
12. Defendant Employee DPSST # has been arbitrarily and capriciously rejecting written correspondence between Plaintiff and Mr. Espinuela.
13. Specifically, during the last two years, Defendant Employee DPSST # 37996 has rejected written correspondence between Plaintiff and Mr. Espinuela multiple times and such rejections violate the constitutional rights of both the sender and receiver of the correspondence.
14. In an attempt to get to the bottom of the reasons behind the rejected correspondence and complain about DPSST #'s constitutional transgressions Plaintiff contacted Counselor Nora, the mailroom

15. On 2/13/18 DPSST #37996 returned to sender a letter addressed to Ryan Bonneau sent by Mr. Espinaceta through the U.S. Mail. Also, on 3/10/18 DPSST #37996 rejected another letter and returned to sender a letter addressed to Ryan Bonneau sent by Mr. Espinaceta through the U.S. Mail. (See Complaint Exhibit A Pgs 1-2)

16. Both these Notice of Returned / Confiscated Inmate Mail forms indicate "This form serves as notice to both Sender and Inmate of the following Mail Violations" with a box checked Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children, and nude baby pictures).

17. The Plaintiff received a letter from Mr. Espinaceta stating "Yes, I will be sending that letter to your attorney. I do not understand "portrayal of sexual activity." I wrote nothing of the sort... Really, I can't recall anything sexually explicit even written in my previous letter to you."

18. The Plaintiff noticed that a disproportionate amount of other inmates were also receiving mail denial notices as the mail was being passed out.
(See Eg. Ex. C)
19. DPSST # 37996 signed all of the denial notices of the other inmates he spoke to who had also received them, all with the same accusations of "Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children, and nude baby pictures). Literally stacks of Notice of Returned/Confiscated Inmate Mail forms are being wrongfully issued by DPSST # 37996 on an arbitrary, capricious, or otherwise wrongful basis including two or more from Mr. Espinuela to Plaintiff as described supra.
20. The Plaintiff sent written requests to the mailroom and mailroom supervisor counselor Nora which are attached as exhibit B and incorporated by reference here.

IV. CLAIMS
First Amendment Violation

21. The Defendants interference with

C L A I M S
the receipt of U.S. Mail of the Plaintiff
violates his First Amendment
rights under the U.S. Constitution,
as explained in the prior paragraphs,
supra, which are incorporated by
reference as if fully restated here.

N E / Unconstitutionally vague Policy

22. The Defendants actions and inactions

C L A I M S
as explained supra violates:

A. First Amendment (freedom of speech, freedom of expression)

B. Fifth Amendment (due process, freedom of association)

C. Fourteenth Amendment

by having a mail policy or policies which
impinge on the ~~rights~~ ^{rights} of the Plaintiff.

Failure to Train

23. Defendants are liable for failing to properly

C L A I M S
train employees (including co-defendants)
to ensure that the constitutional rights of
inmates are not infringed upon, and are
subjecting Plaintiff to unconstitutional treatment.

V. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following relief:

A. Prospective relief enjoining the Defendants from committing similar constitutional transgressions against the Plaintiff during the pendency of this case by way of entering an appropriately tailored ~~Temporary~~ Order for Temporary

Restraining Order and/or Preliminary Injunction. ^(B) The Plaintiff certifies he mailed a true and correct copy of the complaint to the Defendants, c/o their counsel at the Office of the Multnomah County Attorney 501 SE Hawthorne Blvd. Suite 550 Portland, OR 97214.;

B. Compensatory Damages against each Defendant - \$1,500,000;

C. Punitive Damages against each Defendant - \$4,500,000;

D. Declaratory Relief that Defendants violated Plaintiff's constitutional rights;

- E. Attorneys fees, costs, fees, and expenses incurred by Plaintiff or on his behalf;
- F. Any other relief deemed appropriate by the trier of fact not to exceed the amount of \$6,000,000.
- G. Trial by jury.

IV. VERIFICATION

I verify under penalty of perjury that the foregoing is true and correct and specifically pursuant to 28 U.S.C. § 1746.

Respectfully submitted,

Ryan Bonneau 3/6/18
Plaintiff pro se

NOTICE OF RETURNED / CONFISCATED INMATE MAILInmate: Bonneau, Ryan Swis #: 667424Housing Location: 1572 Sender: Ruben Espiricueta

Returned to Sender Confiscated

No Returned Address / "Dead Letter" Office

This form serves as notice to both Sender and Inmate of the following Mail Violations

Weapons, explosives, and/or materials used in making weapons/explosives, or other unlawful substances.

Escape plans.

Drugs and/or drug paraphernalia.

Flammable materials.

Polaroid photos or any photo with stiff backing.

Loose pages/clippings of any publications.

Books, pictures, photos, bonded cards, and greeting cards larger than 8.5 x 11.

Books/magazines not sent directly from publisher, distributor, wholesaler, or retailer.

Books exceeding 2 pound maximum, and/or exceeded four in total.

Personal checks, cashiers checks, money orders, cash, stamps, pens, bus passes, ID cards, calling cards, or stickers.

Envelopes unless officially self-addressed.

Items affixed to envelopes or contents, to include (but not limited to): Stamped envelopes, labels, stickers, etc...

Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children and nude baby pictures).

Inflammatory material that constitutes a threat to the security and safety of the facility.

Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, DVD's and computer disks).

Any foreign substance on or in the envelope or contents to include (but not limited to): Food, perfume, glue, crayons, glitter, tape, lipstick, or any body fluids, etc...

Bulk rate, third or fourth class "junk" mail (is discarded).

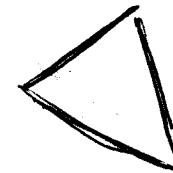
Communication that is "Restrained" by the Court.

Deceptively addressed items and/or envelopes.

Forwarded messages from anyone other than sender and sendee.

Blank paper.

OTHER: _____



→ **If any Item of mail is found Unacceptable the entire piece of mail is returned to the sender.**
First Class mail with No Return Address is sent to the US Postal "Dead Letter Office". ←

Date: 2/13/18 Staff Name: DPSST 37446
 PRINTED

To appeal or contest this decision, refer to information on back of form

NOTICE OF RETURNED / CONFISCATED INMATE MAILInmate: Bonneau, Ryan Swis #: 667424Housing Location: 1159 Sender: Rubber Spine Returned to Sender Confiscated No Returned Address / "Dead Letter" Office**This form serves as notice to both Sender and Inmate of the following Mail Violations**

- Weapons, explosives, and/or materials used in making weapons/explosives, or other unlawful substances.
- Escape plans.
- Drugs and/or drug paraphernalia.
- Flammable materials.
- Polaroid photos or any photo with stiff backing.
- Loose pages/clippings of any publications.
- Books, pictures, photos, bonded cards, and greeting cards larger than 8.5 x 11.
- Books/magazines not sent directly from publisher, distributor, wholesaler, or retailer.
- Books exceeding 2 pound maximum, and/or exceeded four in total.
- Personal checks, cashiers checks, money orders, cash, stamps, pens, bus passes, ID cards, calling cards, or stickers.
- Envelopes unless officially self-addressed.
- Items affixed to envelopes or contents, to include (but not limited to): Stamped envelopes, labels, stickers, etc...
- Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children and nude baby pictures).
- Inflammatory material that constitutes a threat to the security and safety of the facility.
- Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, DVD's and computer disks).
- Any foreign substance on or in the envelope or contents to include (but not limited to): Food, perfume, glue, crayons, glitter, tape, lipstick, or any body fluids, etc...
- Bulk rate, third or fourth class "junk" mail (is discarded).
- Communication that is "Restrained" by the Court.
- Deceptively addressed items and/or envelopes.
- Forwarded messages from anyone other than sender and sendee.
- Blank paper.
- OTHER: _____

→ If any item of mail is found Unacceptable the entire piece of mail is returned to the sender.
 First Class mail with No Return Address is sent to the US Postal "Dead Letter Office". ←

Date: 3/6/18 Staff Name: ✓ DPSST 37446
 PRINTED

To appeal or contest this decision, refer to information on back of form

Multnomah County Sheriff's Office

Mail

SERVICE REQUEST FORM

NAME: Ryan Bonneau

SWIS#: 667424

DATE: 2/13/18

HOUSING UNIT: 15-72

SEX: M / F (Circle)

RACE: W

1. READ THIS SECTION

Refer to the INMATE MANUAL and COMMONLY ASKED QUESTIONS booklets in your housing area for information relating to your request, before completing this form. Use only one form for each request. Don't expect a personal response to each request, but be assured staff will act on your request in an appropriate manner. (Follow instructions below when completing Steps 2 & 3)

2. MARK THE APPROPRIATE BOX

(Check Only One)

FOOD SERVICES
 INMATE MAIL
 INMATE PHONES
 PROPERTY
 COMMISSARY

RECORDS
 CLASSIFICATION
 CHAPLAIN
 EDUCATION
 LAW LIBRARY

COUNSELOR: _____
 SERGEANT: _____
 SHIFT LT: _____
 FACILITY COMMANDER
 OTHER: _____

3. WRITE YOUR REQUEST BELOW

(Be specific and provide only information relating to your request)

Today I received a Notice of Returned (Confiscated Inmate Mail) the sender was Ruben Espiricueta. The Staff DPSST is 37996. A box was checked stating "Material encouraging or containing portrayals of sexual activity" for the violation. This does not explain what the problem is. I find it hard to believe there were sexually explicit pictures coming from someone in State prison. So can you elaborate as to what the problem was? Thank you

Staff Use Only

Date Received: _____

Date Responded: 2/14/18

after review of the notice
 please be aware that returned
 mail can be a violation due to written
 content as well

Responded By: Durus

DPSST#: 93140

(X13)

10/17

DNeil

SERVICE REQUEST FORM

NAME: Ryan BonneauSWIS#: 667424DATE: 2/26/18HOUSING UNIT: 11-59SEX: M F (Circle)RACE: W1. READ THIS SECTION

Refer to the INMATE MANUAL and COMMONLY ASKED QUESTIONS booklets in your housing area for information relating to your request, before completing this form. Use only one form for each request. Don't expect a personal response to each request, but be assured staff will act on your request in an appropriate manner. (Follow instructions below when completing Steps 2 & 3)

2. MARK THE APPROPRIATE BOX

(Check Only One)

FOOD SERVICES
 INMATE MAIL
 INMATE PHONES
 PROPERTY
 COMMISSARY

RECORDS
 CLASSIFICATION
 CHAPLAIN
 EDUCATION
 LAW LIBRARY

 COUNSELOR: Nora

SERGEANT: _____
 SHIFT LT: _____
 FACILITY COMMANDER
 OTHER: _____

3. WRITE YOUR REQUEST BELOW

(Be specific and provide only information relating to your request)

The mailroom (which Sgt. Blair states you are over) and specifically anyone who goes with DPSST #37996 has been unconstitutionally denying mail because the mail contains written words which I am assuming this person finds offensive. However, that is an unconstitutional denial of mail under freedom of speech/freedom of expression for the sender and freedom of association and expression for the recipient. I've had multiple pieces of mail wrongfully denied. It becomes more problematic when deputies are passing out more denials than letters. Please look into this. I know how to get the federal court to intervene due to the constitutional ramifications of this and will do so if this is not resolved promptly. Thank you.

Staff Use OnlyDate Received: 2/27/18 Date Responded: 2/27/18

Could you please be more specific? I show that you have only ONE letter since 1/1/18 that has been returned to sender when you were in dorm 5. Please be ^{more} familiar with mailroom offices

Responded By: DNeilDPSST #: 98140

EX. B

NOTICE OF RETURNED / CONFISCATED INMATE MAILInmate: Lawson, Flynt Swis #: 766269Housing Location: 1103 Sender: Arasha Carell

Returned to Sender Confiscated

No Returned Address / "Dead Letter" Office

This form serves as notice to both Sender and Inmate of the following Mail Violations

- Weapons, explosives, and/or materials used in making weapons/explosives, or other unlawful substances.
- Escape plans.
- Drugs and/or drug paraphernalia.
- Flammable materials.
- Polaroid photos or any photo with stiff backing.
- Loose pages/clippings of any publications.
- Books, pictures, photos, bonded cards, and greeting cards larger than 8.5 x 11.
- Books/magazines not sent directly from publisher, distributor, wholesaler, or retailer.
- Books exceeding 2 pound maximum, and/or exceeded four in total.
- Personal checks, cashiers checks, money orders, cash, stamps, pens, bus passes, ID cards, calling cards, or stickers.
- Envelopes unless officially self-addressed.
- Items affixed to envelopes or contents, to include (but not limited to): Stamped envelopes, labels, stickers, etc...
- Material encouraging, or containing portrayals of sexual activity, nudity (includes partially nudes, nude children and nude baby pictures).
- Inflammatory material that constitutes a threat to the security and safety of the facility.
- Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, DVD's and computer disks).
- Any foreign substance on or in the envelope or contents to include (but not limited to): Food, perfume, glue, crayons, glitter, tape, lipstick, or any body fluids, etc...
- Bulk rate, third or fourth class "junk" mail (is discarded).
- Communication that is "Restrained" by the Court.
- Deceptively addressed items and/or envelopes.
- Forwarded messages from anyone other than sender and sendee.
- Blank paper.
- OTHER: _____

→ If any item of mail is found Unacceptable the entire piece of mail is returned to the sender.
 First Class mail with No Return Address is sent to the US Postal "Dead Letter Office". ←

Date: 2/23/18 Staff Name: DPSST 37446
 PRINTED

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EX. C
 1061